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## EXECUTIVE ORDERS > 1-28

### No. 1-28: Executive Order Regarding Gifts (Effective Date 11.02.93)

#### 1. PURPOSE

The purpose of this Executive order is to augment and enhance state law by setting forth the City's policy with respect to the acceptance of gifts by City employees.

#### 2. OBJECTIVES

To establish a consistent policy on the foregoing matter and procedures for its administration. This Executive Order is cumulative of state and federal laws and City ordinances. No provision of this policy shall be construed to excuse compliance with any law.

#### 3. DEFINITIONS

a. Benefit-- any gift of food, goods, services, money, lodging, transportation or any other thing of value, or the extension of a discount, rebate or other price concession or privilege or any other thing that could reasonably be regarded as an economic gain or advantage, whether offered or given directly to a City employee or to any other person in whose welfare the City employee has an interest or is interested.

b. City employee--any person who receives compensation as an employee of the City. The term does not include members of City boards and commissions who receive per diem or per session compensation or elected City officials.

c. Relative--a person who is related to the City employee as a father, mother, brother, sister, son, daughter, grandparent or great grandparent, grandchild or great grandchild, first or second cousin, aunt or great aunt, uncle or great uncle, niece or great niece, nephew or great nephew, the City employee's spouse, or a person who is related to the City employee's spouse as a father, mother, brother, sister, son, daughter, grandparent, grandchild, aunt, uncle, nephew, niece or first cousin or any person who regularly resides in the same household with the City employee.

#### 4. SCOPE

This policy applies to all City employees. In each department that issues general orders, rules or other similar employee conduct promulgations, the director shall incorporate this policy into the department's orders or rules.

## 5. RESPONSIBILITIES

The director of each City department shall ensure that this policy is enforced within the department, including the appropriate discipline of City employees who may violate the policy. The Chiefs of Staff and Mayor, where appropriate, shall ensure that this policy is enforced against Department Heads who report directly to them.

## 6. REQUIREMENTS

a. Notwithstanding any other requirement of this Executive Order that may be construed to the contrary, a City employee shall not directly or indirectly accept a benefit under any circumstances where any appearance of intent to influence City affairs or other impropriety could result from the acceptance.

b. Except as provided in Part 7, below, City employees shall not directly or indirectly accept benefits from any person (including firms or corporate entities and their officers or employees) who has any of the following ties to any department, office, function or agency of the city:

1. persons who are subject to inspection under permit, license or other regulatory inspection programs,
2. persons who are under criminal investigation or who have complaints pending against them in the Municipal Courts of the City,
3. persons who regularly engage in any business or other activity that requires the approval or licensure of the City,
4. persons who act as lobbyists or consultants to represent any business or personal interests before the City,
5. persons who are seeking or who hold contracts, purchase orders or other business interests with the City,
6. persons who have claims or litigation pending against the City, including legal counsel who represent the claimants or litigants, and
7. persons who stand to profit or receive an advantage from any City action.

## 7. EXCEPTIONS

The provisions of item (b) of Part 6, above, shall not apply to:

1. benefits received solely from relatives, if and only if such benefits are not derived from any of the persons listed in 6 above, and
2. for special events for which the offeror is reimbursed as provided in this item. In any instance in which an employee is offered a benefit of food, lodging, transportation or entertainment involving an event and the acceptance would otherwise be prohibited, the employee may request that the City authorize attendance because the attendance would be of substantial benefit to the City. Requests must be authorized in writing and in advance by the employee's

department head. Requests from department heads shall be considered by the assigned Chief of staff or, if no Chief of Staff is assigned, by the Mayor. The request may be granted, subject to the availability of departmental funding, if it is determined that the attendance would substantially benefit the City. The City shall pay the expenses based upon the fair market value of the cost of the event the employee attends, which need not include any charitable enhancements or other premiums unrelated to the actual costs that are paid by private participants. The approval shall be subject to the employee's assumption of all costs for expenses not required to effectuate legitimate City business.

## 8. PROCEDURES

- a. Departmental directors and Mayor's office shall maintain a written record of all requests and actions sought pursuant to Part 7, above.
- b. Violations by persons other than department directors shall be reported to the director of the department where the employee is assigned.
- c. Violations by department directors shall be reported to the Chief of Staff who has jurisdiction over the department or to the Mayor if no Chief of Staff is assigned to the particular department.
- d. The department director, Chief of Staff or Mayor shall initiate appropriate disciplinary action where violations have transpired up to and including indefinite suspension/termination.
- e. Where any violation appears to also involve a violation of penal laws, then the Public Integrity Review Group shall be notified to conduct an investigation.

To the extent that any portion of this Executive order is inconsistent with Section 14-183 of the City Code of ordinances, such provision will not become effective unless and until any inconsistent provisions of City Ordinance Section 14-183 are amended in conformity with this order.

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